

DFW

Attorney Docket No. 3177 P 387

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Stephen Alan Smith et al.

Application No.: 10/676,807

Confirmation No.: 3085

Filed On: October 1, 2003

Examiner: Unassigned

Art Unit: 3727

For: ERGONOMIC DISPOSABLE CUP HAVING  
IMPROVED STRUCTURAL INTEGRITY

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.97 AND 1.98**

Dear Sir:

Applicants submit herewith Form PTO-1449, "Supplemental Information Disclosure Statement," and a copy of the foreign references and International Search Report listed therein.

Since this Statement is being filed before the mailing date of a first Official Action on the merits, no fee is necessary.

Applicants are submitting this art because Applicants recognize their duty to disclose pursuant to 37 C.F.R. §1.56. However, submission of this art and Statement is not an admission that any item identified contains matter anticipating the invention or rendering the invention obvious to a person of ordinary skill in the art. Further, Applicants believe none of the art submitted herewith, alone or in proper combination, discloses, teaches or suggests the invention claimed by Applicants.

The citation of a reference is also without admission that the reference is sufficient to teach one of ordinary skill in the art how to make or use the subject matter thereof or the reference is, or is considered to be, material to the patentability as defined in 37 C.F.R. §1.56(b).

Moreover, submission of these patents is without admission that any of the patents constitutes statutory prior art or has an effective date prior to Applicants' effective date of invention.

Applicants specifically reserve all rights of privilege and confidence with respect to this matter. A submission of this document is not to be construed as a waiver of those rights. In addition, the filing of this Statement is not to be construed as a representation a search had been made by Applicants or counsel.

CERTIFICATION PURSUANT TO 37 C.F.R. §1.97(E)

The undersigned attorney states each item of information contained in this Supplemental Information Disclosure Statement was cited in a Communication from a foreign Patent Office, namely the European Patent Office, in a counterpart foreign patent application, International Application No. PCT/US2004/009357, mailed from the Office on November 19, 2004, which is not more than three (3) months prior to the filing of this Supplemental Information Disclosure Statement. A copy of the International Search Report is also attached.

Please charge any additional fees associated with this Communication or credit any overpayment to our Deposit Account No. 23-0280. A duplicate copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: December 7, 2004

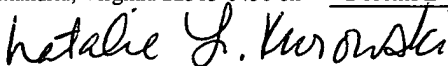
By: 

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

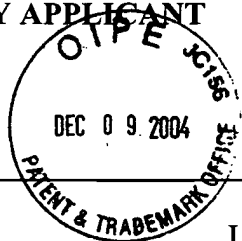
I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 7, 2004



Natalie L. Kurowski/214806.1

**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
PTO-1449

Sheet 1 of 1



Application No.: 10/676,807  
Filing Date: October 1, 2003  
First Named Inventor: Stephen Alan Smith  
Art Unit: 3727  
Examiner Name: Unassigned  
Attorney Docket Number: 3177 P 387

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document No. Kind Code (if known)	Name of Patentee or Applicant	Publication Date (MM-DD-YYYY)
	US 3,085,730	Fibish	04-16-1963
	US 3,288,340	Shapiro et al.	11-29-1966
	US 3,342,370	Johnson	09-19-1967
	US 4,245,685	Nemitz et al.	01-20-1981

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	T
	Office	Number	Kind			
	DE	1 175 564		Illinois Tool Works Inc.	08-06-1964	N
	DE	1 216 139		Somerville Industries Limited	05-05-1966	N
	GB	1,096,451		Mono Containers Limited	12-29-1967	Y
	GB	1 251 595		Illinois Tool Works Inc.	10-27-1971	Y
	FR	2.207.836		W. U. H. Fernholz	06-21-1974	N
	GB	1 461 394		Illinois Tool Works	01-13-1977	Y
	EP	0 371 918		Rundpack AG	06-06-1990	N
	GB	2 352 612	A	Autobar Industries Limited	07-02-2001	Y

**OTHER PRIOR ART OR NON-PATENT LITERATURE DOCUMENTS**

Examiner Initial	(including Author (in capital letters), Title of the article, Title of the item, Date, Pages, Volume-Issue number, Publisher, City and/or Country where published.)	T
	Communication from the European Patent Office transmitting an International Search Report, mailed November 19, 2004, for International Application No. PCT/US2004/009357	Y

Examiner Signature: \_\_\_\_\_

Date Considered: \_\_\_\_\_

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.